

## Remarks

### Rejections Under 35 U.S.C. Section 103(a)

Claims 1-6 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Japan 204 (JP 10-095204) in view of Japan 349 (JP 10-298349) or Korean (KR 2003046542). Claims 2 and 3 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Japan 204 in view of Japan 349 or Korean, and further in view of Ohta et al (US 5,046,542), Nakamura et al (US 6,095,217) or Japan 602 (JP3-7602). To the extent that the amended claims are deemed unpatentable over the cited art, these rejections are traversed.

Claim 1 has been amended to recite the limitations of cancelled claims 2, 3 and 6.

Applicants urge that amended claim 1 is fully patentable over the cited art. None of the cited art either alone or in combination teach nor make obvious a pneumatic tire having all of the limitations recited in amended claim 1. To maintain otherwise would require resort to hindsight reconstruction of the claims based on the teaching of the current specification, which is an improper standard for obviousness.

In particular, no combination of the cited references teaches nor makes obvious a pneumatic tire having the recited ranges for G' and 300 percent modulus in the cap and base layers, along with the other recited limitations. None of Japan 204, Ohta, Nakamura nor Japan 602 alone or in combination teach nor make obvious the specific ranges for G' and 300 percent modulus recited in amended claim 1. Lacking this specific teaching, one skilled in the art would not be motivated, upon reading all of the cited references, to modify the teachings of any of these references to arrive at the present claims. Only through resort to hindsight reconstruction based on the present specification may the present claims be formulated; as noted earlier herein, such hindsight reconstruction is improper.

Moreover, the 300 percent modulus taught by Japan 204 and cited by the Examiner are clearly well outside the ranges recited in amended claim 1. The 300 percent modulus for base B-3 is 14.8 MPa, clearly distinguishable from the recited range of 8 to 11 MPa. The 300

percent modulus for cap C-4 is 17.5 MPa, clearly distinguishable from the recited range of 10 to 12 MPa, and one skilled in the art would not be motivated to modify this teaching to arrive at the present claims.

Further, while the 300 percent modulus for the base layer taught by Japan 602 and cited by the Examiner may fall within the range recited in amended claim 1, the 300 percent modulus for the cap layer is clearly well outside the range recited in amended claim 1. The 300 percent modulus for cap layer G (see Tables 1 and 2) is 158 kgf/cm<sup>2</sup>, or 15.5 MPa (by the Examiner's reckoning of 105 kgf/cm<sup>2</sup> = 10.3 MPa), clearly distinguishable from the recited range of 10 to 12 MPa, and one skilled in the art would not be motivated to modify this teaching to arrive at the present claims.

Furthermore, Ohta teaches a G' (ie., E') for the cap rubber of  $12 \times 10^7$  dyn/cm<sup>2</sup> (ie 12 MPa) at Table 3, clearly distinguishable from the recited range of 1.2 to 1.6 MPa. Ohta teaches a G' (ie., E') for the base rubber of  $6 \times 10^7$  dyn/cm<sup>2</sup> to  $6.2 \times 10^7$  dyn/cm<sup>2</sup> (ie 6 to 6.2 MPa) at Table 3, clearly distinguishable from the recited range of 1.0 to 1.3 MPa. Clearly, one skilled in the art would not be motivated to modify the teaching to arrive at the present claims; nowhere does Ohta suggest use of the ranges of G' or 300 percent modulus recited in the claims.

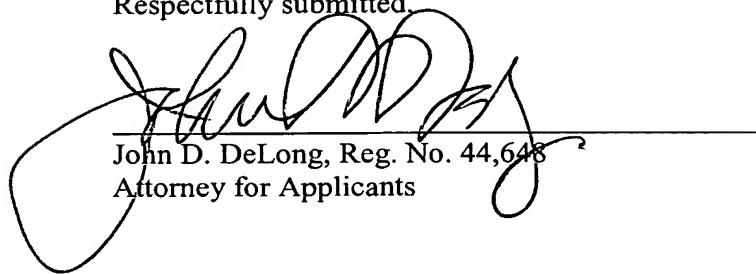
Further, Nakamura teaches only that the ratio of the storage modulus E' (ie, G') of the base to the storage modulus of the cap be in the range of 80 to 95 percent (at column 9, lines 17-22). Nakamura teaches nothing about the specific ranges of G' and 300 percent modulus as recited in the amended claims. Clearly, one skilled in the art would not be motivated to modify the teaching to arrive at the present claims; nowhere does Nakamura suggest use of the ranges of G' or 300 percent modulus recited in the claims.

Claims 7-12 have been added to more fully define what Applicants regard as the invention. Applicants urge that new claims 7-12 are fully supported by the specification as filed. Claim 7 recites the limitations of original claims 1, 2 and 6. Claim 10 recites the limitations of original claims 1, 3 and 6.

**Conclusion**

Applicants urge that the claims are now patentable over the cited art and respectfully request allowance of the claims.

Respectfully submitted,



John D. DeLong, Reg. No. 44,648  
Attorney for Applicants

The Goodyear Tire & Rubber Company  
Intellectual Property Law D/823  
1144 East Market Street,  
Akron, Ohio 44316-0001  
Telephone: (330) 796-8757